

## **REMARKS/ARGUMENTS**

Claims 1-15 are pending in the application

### **Claim Rejections – 35 USC § 102**

**Claims 1 and 2 are rejected under 35 U.S.C. 102 (b) are being anticipated by Goodwin (U.S. Patent No. 4,650,342).**

Applicant has amended claim 1 to specify that the particle relief passageway is at the area where molten metal enters between the plurality of vanes and the base, which further distinguishes it from the Goodwin reference. The amendment removes the anticipate rejection and places claims 1 and 2 in a position for allowance. In Goodwin, according to the Examiner's marked up version of Figure 2 (attached to the office action), the particle relief passageway is somewhere in the middle of the base, whereas in this invention it is at the entry so as to prevent or inhibit particles above a predetermined size to enter.

Applicant therefore submits that claim 1 and claim 2 are now in an allowable condition.

**Claims 5-9 are rejected under 35 U.S.C. 102 (b) are being anticipated by Gilbert (U.S. Patent No. 5,634,770).**

Claim 5 is the independent claim, with claims 6-9 dependent thereon and therefore including all the limitations thereof. A claim is not anticipated if it does

not have all the claim limitations thereon. Claim 5 requires that "the vane width is tapered from the input side to the output side. This application illustrates this tapering in Figure 4 from the input side to the output side. Tapering is a diminution in width or thickness, which is shown in Figure 4. In the Gilbert reference relied upon by the examiner, the vane width actually increases and is therefore opposite; but at a minimum does not include the limitation of the claim and Gilbert is therefore not anticipating (but instead teaches away). Therefore Applicant submits that claims 5-9 are allowable as written.

**Claims 11-13, and 15 are rejected under 35 U.S.C. 102 (b) are being anticipated by Smith (U.S. Patent No. 2,294,135).**

Claim 11 has been amended to include the limitations of claim 12 and 13, and is therefore allowable per the Examiner's objection, along with claims 14 and 15 due to their dependence on claim 11.

**Claims 11, 12, and 14 are rejected under 35 U.S.C. 102 (e) are being anticipated by Lehman (U.S. Patent No. 6,468,039).**

Claim 11 has been amended to include the limitations of claim 12 and 13, and is therefore allowable per the Examiner's objection, along with claim 14, due to its dependence on claim 11.

### **Allowable Subject Matter**

Claims 3 and 4 are indicated as allowed, and applicant appreciates the same.

Claims 9, 10, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In light of the Applicant's arguments set forth above relative to the rejected base claims, the Applicant respectfully requests that these objections be held in abeyance pending resolution of the base claims.

### Information Disclosure Statement (IDS)


The Applicant has provided herewith a copy of the IDS as filed on October 26, 2001.

### Conclusion

Applicant therefore submits Claims 1-11 and 14-15 are in a position to proceed to allowance.

Respectfully submitted,

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Attachments: IDS filed 10/26/01